

**THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

KEVIN RAINS,
Plaintiff,

vs.

Civil Action No. 4:06-CV-858

BNSF RAILWAY COMPANY,
Defendant.

**DEFENDANT BNSF RAILWAY COMPANY'S
MOTION FOR PROTECTIVE ORDER AND TO QUASH
PLAINTIFF'S UNTIMELY DEPOSITION NOTICE OF SAM RICHARDS**

TO THE HONORABLE COURT:

Defendant BNSF Railway Company ("BNSF") files this Motion for Protective Order and to Quash Plaintiff's Untimely Deposition Notice of Sam Richards, and respectfully shows this Court as follows:

I.

Pursuant to Local Rule 56.3, the matters required pursuant to this rule are set forth in Defendant BNSF Railway Company's Brief in Support of its Motion for Protective Order and to Quash Plaintiff's Untimely Deposition Notice of Sam Richards.

WHEREFORE, PREMISES CONSIDERED, Defendant BNSF Railway Company prays that its Motion for Protective Order and to Quash Plaintiff's Untimely Deposition Notice of Sam Richards be granted and that BNSF be granted such other and further relief to which it is justly entitled.

Respectfully submitted,

/s/ Jeffrey J. Wolf

Jeffrey J. Wolf
State Bar No. 21849012
Ryan K. Geddie
State Bar No. 24055541

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**ATTORNEYS FOR DEFENDANT BNSF
RAILWAY COMPANY**

CERTIFICATE OF CONFERENCE

I, Ryan K. Geddie, attorney for Defendant BNSF Railway Company, hereby certify that on the 24th day of March, 2010, I held a telephone conference with Robert J. King, Jr., of Lommen, Abdo, Cole, King & Stageberg, PA, counsel for Plaintiff Kevin Rains, to discuss the merits of this Motion. As Mr. King is opposed, this Motion is submitted to the Court for determination.

/s/ Ryan K. Geddie

Ryan K. Geddie

CERTIFICATE OF SERVICE

I hereby certify that on the 25th of March 2010, I electronically filed the foregoing document with the Clerk of the Court for the U.S. District Court, Northern District of Texas, using the Court's electronic case filing system. The electronic case filing system sent a "Notice of Electronic Filing" to the following attorney(s) of record who consented in writing to accept service by electronic means:

Mr. Bob King
LOMMEN, ABDO, COLE, KING
& STAGEBERG, PA
IDS Center, Suite 2000
80 South 8th Street
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/s/ Ryan K. Geddie

Ryan K. Geddie